



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/585,468

06/24/2008

Ram Srivats

04-40396-US

5915

7066

7590

04/23/2010

REED SMITH LLP

2500 ONE LIBERTY PLACE

1650 MARKET STREET

PHILADELPHIA, PA 19103

EXAMINER

BELLINGER, JASON R

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

04/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,468	Applicant(s) SRIVATS, RAM	
	Examiner JASON R. BELLINGER	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. The restriction requirement set forth in the previous office action has been rescinded, upon further review of the rules regarding applications filed as a national stage entry of an international application. Therefore, all of the claims have been examined.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in a foreign country on 7 January 2004. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Drawings

3. Figures 1-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because the text following the phrase "Prior Art" for Figure 9 should be removed. Furthermore, Figures 1-9 all lack reference characters.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The abstract of the disclosure is objected to because it is a copy of the first page of the PCT, which is improper (see below). Correction is required. See MPEP § 608.01(b).

Art Unit: 3617

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

7. The disclosure is objected to because of the following informalities: Paragraph [0009] should be relocated to the first page of the specification and renumbered as paragraph [0001], to properly indicate claims of priority.

Appropriate correction is required.

Claim Objections

8. Claims 3-4, 30, 32, 35, and 45-46 are objected to because of the following informalities: The comma (,) following the term "with" in line 2 of claims 3-4 should be removed.

Art Unit: 3617

In line 2 of claim 30, the term --a-- should be inserted prior to the term “well”, and the term “seat” should be replaced with the term --seats--. In line 10 of claim 30, the term “a” should be replaced with the term --an-- prior to the term “inner”. In line 12 of claim 30, the term “an” should be replaced with the term --a--. A comma (,) should be inserted following the term “diameter” in line 13 and 19 of claim 30. The term “perform” should be replaced with the term --pre-form-- in lines 25 and 30 of claim 30.

The term “perform” should be replaced with the term --pre-form-- in line 2 of claims 32 and 35.

A comma (,) should be inserted following the term “flanges” in line 3, the term “blank” in line 4, and the term “thickness” in line 5 of claim 45. The term “of” should be replaced with the term --a-- in line 4 of claim 45. Furthermore, the last line of claim 45 lacks a period (.).

The term --An-- should be inserted prior to the term “apparatus” in line 1 of claim 46.

These corrections are for grammatical clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 7 and 30-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 is indefinite due to the fact that it is unclear what element of the invention includes a “predetermined inner diameter” as set forth in lines 12-13.

Claim 30 is indefinite due to the fact that it is unclear what is actually being claimed by the phrases “the forward direction” and “the backward direction”. No directional indicators (i.e. axial, radial, etc.) have been provided to clearly define these limitations. Furthermore, no datum or base point has been defined with reference to these directions.

Claim 30 is further indefinite due to the fact that it is unclear what is actually being claimed by the phrase “formed in the subsequent operations”. Each step of the method set forth in claim 30 is denoted by a lettered bullet (i.e. “a.”, “b.”, etc.). The aforementioned phrase seems to indicate the presence of substeps, which are not set forth in the claim.

In lines 27-28 of claim 30, the phrase “well, inner & outer bead seats and inner & outer flanges” is a double recitation. Namely, all of these elements have been previously set forth in the claim. Therefore, it is unclear whether the elements in lines 27-28 are the same as those previously set forth, or are additional elements of the invention.

Claims 31 and 33-35 are indefinite due to the fact that it is unclear what element is being referred to by the phrase “the same”.

Claim 32 is indefinite due to the fact that it is unclear what is actually being claimed by the phrase “the backward direction”. No directional indicators (i.e. axial, radial, etc.) have been provided to clearly define this limitation. Furthermore, no datum or base point has been defined with reference to these directions.

Claim 32 is further indefinite due to the fact that it is unclear how the outer roll is "outwardly positioned". No directional indicators (i.e. axially, radially, etc.) have been provided to clearly define this limitation.

Claims 37-38 are indefinite due to the fact that it is unclear what is actually being claimed by the limitation of a "conventional press". The term "conventional" is a relative term, not sufficiently defined in the specification. The metes and bounds of this term cannot be determined, given the fact that a multitude of presses having different configurations exist in the art.

The phrase "a spinning machine" in line 8 of claim 45 is a double recitation. This limitation has been previously set forth in the claim. Therefore, it is unclear whether the "spinning machine" of claim 8 of claim 45 is the same as that previously set forth, or is an additional element of the invention.

Claim 47 is indefinite due to the fact that it is unclear what is actually being claimed by the phrase "when spin forming machine is programmed to form different shapes".

11. Claim 7 recites the limitation "outer flange portions" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims.

Art Unit: 3617

12. Regarding claims 30 and 45, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

13. The term "slightly" in claim 30 is a relative term which renders the claim indefinite. The term "slightly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. No qualitative or quantitative limitations have been provided to clearly define this term.

14. Claim 36 recites the limitation "said first-name spin forming step" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims.

15. Claims 38-39 each recite the limitation "vent holes" in line 2. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims.

16. The term "accurately" in claim 39 and the term "accurate" in claim 40 are relative terms which render the claims indefinite. The terms "accurately" and "accurate" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of

Art Unit: 3617

the scope of the invention. No qualitative or quantitative limitations have been provided to clearly define this term.

17. Claims 48-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. These claims are omnibus type claims.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1-4, 7-10, 12-20, 23-24, 26-29, 51-54, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus in view of Evans. As best understood, Jurus shows an invention including all of the limitations as set forth in the above claims, except for the following:

Jurus fails to disclose the wheel being formed from steel. Evans teaches the use of forming a wheel from mild steel or HSLA steel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus from steel, as a substitute metal material, dependent upon availability, cost, and the desired chemical and physical properties.

Art Unit: 3617

20. Claims 5-6, 21-22, 30-37, 40-48, 50, 55, and 58 are rejected under 35

U.S.C. 103(a) as being unpatentable over Jurus in view of Evans as applied to claims 1-4, 7-10, 12-20, 23-24, 26-29, 51-54, and 56-57 above, and further in view of Ashley, Jr. et al (hereafter Ashley).

Jurus as modified by Evans does not disclose the angle of the bead seats or drop center rim portion. Ashley teaches the formation of a wheel having a 5 degree central rim portion and bead seats. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form the wheel of Jurus as modified by Evans with 5 degree bead seats and drop center rim, to predictably decrease the amount of effort required to mount a tire thereon.

21. Claims 11, 25, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus in view of Evans as applied to claims 1-4, 7-10, 12-20, 23-24, 26-29, 51-54, and 56-57 above, and further in view of Beyer. Jurus as modified by Evans does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

Art Unit: 3617

22. Claims 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jurus in view of Evans and Ashley as applied to claims 1-10, 12-24, 26-37, 40-48, and 50-58 above, and further in view of Beyer. Jurus as modified by Evans and Ashley does not disclose vent holes formed in the disc portion of the wheel.

Beyer teaches the formation of a wheel having vent and/or decorative holes 27 formed in the disc portion of a wheel. Therefore, from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to form vent holes in the disc wheel of Jurus as modified by Evans and Ashley, in order to allow airflow to reach the brake components of the vehicle and/or to enhance the aesthetic appearance of the wheel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. BELLINGER whose telephone number is (571)272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Bellinger/
Primary Examiner
Art Unit 3617